

# **EXHIBIT A**

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## DEAR JOHN: YOU'RE THE PROBLEM

WHY LIVE NATION AND MADISON MARQUETTE NEED TO RUN JOHN D'ESPOSITO OUT OF TOWN TO PREVENT A BLOODBATH AMONG THE LOCAL MUSIC COMMUNITY

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originally published: 2008-11-30 00:00:00 By Gary Wien

(ASBURY PARK, NOVEMBER 27, 2008) -- Recently, a minor war has begun raging among the local music community with regards to Live Nation taking over the booking at the largest venues in Asbury Park. While there is little dispute that Live Nation (along with Madison Marquette) have done many wonderful things in town, the musicians, music fans, and industry professionals have very good reasons to be upset at Live Nation; however, their real fight should not be against Live Nation or against Madison Marquette. The real fight should be against John D'Esposito and the goal should be to finally rid Asbury Park of this cancerous individual.

John D'Esposito (or John D as he's known in town) is the person most responsible for the ugliness within the local music community. He has been involved with booking shows in town for many years now - first through Concerts East where he worked with Tony Pallagrosi; then with Max Cruise Entertainment, the company he founded upon leaving Concerts East; and, most recently, with Live Nation, the company that purchased a majority stake in his Bamboozle Festival.

Conversations with people in all aspects of the local music scene showed that others feel the same way I do. Many artists are rightfully concerned about speaking out for fear of losing their chances to play the town's biggest venues, writers are unable to speak their mind because their publications worry about lost advertising revenue, and others in the industry are simply worried about losing their jobs at any of the venues part of Live Nation's Asbury Park empire. I, myself, have debated about writing an editorial like this one for many years. There was a period of time when the thought of losing potential advertising revenue may have prevented me from writing such a piece, but no longer. What is happening in Asbury Park now is not a new situation, but a situation that has increasingly gotten out of hand as John D's power in the industry has grown. This editorial was written because I do think Asbury Park has a chance for another great era as a music scene and I hope to see it happen. Unfortunately, we will not get there as long as John D is in charge. His actions over the past few years are documented here. I doubt Live Nation or Madison Marquette are aware of this history and I sincerely hope they take a good, hard look at whether or not they feel John D should remain involved with Asbury Park. I know that if I was a developer with as much financial stake in town as Madison Marquette has, I wouldn't want someone running things who has burnt as many bridges as John D has. And, since it looks as though John D would rather play on the main stage, wouldn't it be better for him to move onto a larger city?

First, let's recap how he got to where he is?

In 2002, John D was an employee of Concerts East and helped with the marketing and production of the Skate and Surf Festival. Later that year, he left Concerts East to launch Max Cruise Entertainment, but he remained involved as a consultant to help market and produce the Skate and Surf Festival for Concerts East in 2003 and 2004. In 2003, John D launched the Great Bamboozle Festival.

Now, here is where things start getting interesting.

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In the fall of 2004, John D met with Concerts East to discuss the 2005 festival, but in November of that year D'Esposito told Concerts East he would not be involved with the festival. The Bamboozle Festival, which was originally held at the Stone Pony and stayed there for the first two years, was moved in 2005 to Asbury's Convention Hall - the same location as Concert East's Skate and Surf Festival.

And, to make a bad situation worse? he scheduled his festival to be held just two weeks prior to the Skate and Surf Festival causing all sorts of confusion among artists and the industry. People didn't know if there were two different festivals or which one they should be part of and fans were torn about where to spend their money.

So, what do you do when a former employee decides to hold a festival in the same venue at roughly the same time? That's right, it means it is time to bring in the lawyers. Concerts East sued D'Esposito and accused him of "misusing trade secrets, breach of fiduciary duties, and unfair competition."

This was just a sign of what sort of business practices Asbury Park could expect from John D. A few years later when the Wave Gathering Festival was planning on making its debut in September, John D suddenly had the idea of putting on an Asbury Music Festival and out of 52 weeks in the year he had the bright idea to schedule his new festival at the exact same time as the Wave Gathering. He then used his friendship with The Aquarian to promote the hell out of the festival and forced the Wave Gathering to postpone until the following year.

Of course, John's Asbury Music Festival never materialized that year or the year after despite months of heavy advertising in The Aquarian and on the Max Cruise network of websites. This showed that while he and his company certainly had power, they did not have nearly the amount of power as they thought they had.

Now, in my mind, the Wave Gathering is a symbol of all that is good about the Asbury Park music community. Artists and music fans work side by side with venues and restaurants throughout town to promote Asbury Park and its local artists. It is far from a perfect festival, but, I believe, each year has been better than the last. Yet, here is another case of John D purposely working to crush something good in Asbury Park that he is not in control of **EDIT: Note: John D also worked behind the scenes to try to crush the Seaside Music Fest. Many artists were told they would be banned from playing the Stone Pony if they played the festival.** This was a blatant disregard for the local music scene and an abuse of power.

That abuse of power reared its ugly head a few weeks ago when John D told several people involved with the Light of Day benefits that Light of Day would not be brought back to Asbury Park. Now, in case you are unfamiliar with Light of Day, this is a benefit to raise money for Parkinson's Disease Foundation. It also celebrates the birthday each year of Bob Benjamin, the man behind the benefit and who was diagnosed with Parkinson's in 1996.

The first Light of Day show was held at the Stone Pony in 2000. Since then, it has grown larger and more important each and every year. There are Light of Day shows now taking place all across the world. Asbury Park is fortunate that the benefit wishes to remain true to its roots with shows at the Stone Pony and Paramount Theatre, but John D doesn't see it that way. Sources closely involved have said that John D is using Light of Day as part of his feud with Tony Pallagrosi, who is also involved with the benefit.

The Light of Day situation is yet another example of how John D uses personal grudges to control Asbury Park's music scene in a bad light. Bob Benjamin is someone that virtually every musician likes. He's a guy that people want to help out and one with some very famous friends like Bruce Springsteen and Michael J. Fox. If you listed the top ten moments to take place at The Stone Pony over the past decade, I'd have to believe that at least 6 or 7 would have been from a Light of Day show. Certainly, more press - and positive press - has come from the Light of Day shows than any other show.

By now, you should notice a pattern of behavior from John. He obviously prefers to be feared rather than loved. Former employees and local artists seem to share a bond in their dislike of the man and the way he conducts business. Many have heard the vicious rumor of how John forced one prominent female artist to perform sexual activity in his office, supposedly done in order to get better gigs. Several artists have told me about how Max Cruise promised them key opening spots if they would hand out promotional flyers at competing venues to help shows with poor ticket sales. Unfortunately, such actions were sometimes illegal as they went against contracts of artists who specifically had no opening acts listed in their contract. The Stone Pony used to be like an extended family of employees, artists, and music fans. It no longer seems that way to many. As someone who attended shows at the club from the mid-80s on, I rarely have felt comfortable there since John has been in control.

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- Outside The Box Hits Upon Winning Formula
- Interview With Sean Guess
- Andy Vaughan & the Driveline
- Lonnie, Anthony D'Amato, Israel Nash Gripka: A Solid Trio At The Saint
- Snubbing The Snobbery , or, How I Learned To Stop Complaining And Love The Cover Bands
- Interview with Joel Plaskett & The Emergency

## FEATURES

Anjelia Pelay

The Monacchio's

Michael Askin

U.S. Rails

Sean Guess

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It's hard to find someone involved in the local area that doesn't have a particular tale of how John D personally screwed them over. My own story starts in 2003 when I launched Upstage Magazine. John was upset at an article written in the first issue and refused to have the Stone Pony advertise in the magazine despite the fact that we had the largest distribution within 50 miles of the club than any other similar publication. Months later, John proceeded to actually "ban" the magazine from being distributed in the Stone Pony. It was clear to me that he was hoping to force Upstage to go out of business because of his friendship with the Aquarian. While it is certainly his prerogative to choose which publications to advertise in or which publications to allow within his club, he also made the decision NOT to support a business that was based in Asbury Park. In addition, he made the decision to work with a publication that rarely covered the Jersey Shore over one that would have featured the Stone Pony shows and artists more than any other club if they had only worked with us. This, to me, was putting personal relationships over what's best for a business and putting personal interests over what is best for Asbury Park. He had far more use for the Aquarian to promote his Bamboozle Festival, which he moved to the Meadowlands, than for anything that could help promote in Asbury Park. In other words, he had moved on from this town even though he was still running things here. Asbury Park just wasn't that important to him.

So, how can Madison Marquette and Live Nation erase the bad blood stirring in town?

1)Promote the current local music scene instead of simply promoting the city's past. Being factual about the past would be nice as well. We all know that Bruce Springsteen and Jon Bon Jovi have tremendous ties to the city, but they didn't get their start at the Stone Pony. It's one thing for outsiders in places like Iowa to believe that, it's another when an Asbury Park company promotes the myth.

2)Work with the local artists - give them some opening spots at the Paramount Theatre, Stone Pony, and Convention Hall shows. Fight for them. Tell the artists that don't want opening acts that you have a vested interest in the local music community. I'd bet they would totally understand. In fact, they probably would admire a company that took such actions. In addition, when a local is headlining a show make sure that the local shows are included in your advertising. There have been times when the local shows were somehow omitted from ads. These shows should be just as important to you as those headlined from artists outside the area.

3)Keep bringing in good shows and increase the number of artists booked in Asbury Park that are also playing shows in New York City venues. The two areas may be close by mileage, but it is two entirely different audiences and should be considered two different markets.

4)Become a MAJOR part of the Wave Gathering Festival. Live Nation not only runs the biggest venues in town but the addition of major headliners to the festival would instantly attract more music fans and bring tons of revenue into town while adding to the credibility of the festival.

5)Show that you want Asbury Park to become a great music area again. Do this by removing John D from the controls.

As I said in the beginning of this editorial, Live Nation and Madison Marquette have done many wonderful things in Asbury Park. Together, they have renovated the Paramount Theatre and brought many great musical acts to town. They have held far more events in Asbury Park than the town has seen in decades, and really seem to be marketing the town through music, which is a pleasant surprise; however, while they may look wonderful through the grand scheme of things, they are also to be judged on the little things. It is here where they need to reevaluate John D's role in their plans. John D is the link between the local music community and their companies. As we have seen in recent weeks, it is becoming more and more of a tenuous relationship and doesn't have to be. Get rid of John D and you'll rid of the problem. Just imagine how grand Asbury Park's future could be with the local music community working WITH Live Nation instead of working against it...



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